
TITLE 329 SOLID WASTE MANAGEMENT DIVISION**SECOND NOTICE OF COMMENT PERIOD**

LSA Document #14-111

SOLID WASTE FACILITY OPERATOR CERTIFICATION PROGRAM**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [329 IAC 12](#) concerning solid waste management facility operator registration and certification. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: April 16, 2014, Indiana Register (DIN: [20140416-IR-329140111FNA](#)).

CITATIONS AFFECTED: [329 IAC 12-2-2](#); [329 IAC 12-2-2.1](#); [329 IAC 12-2-2.2](#); [329 IAC 12-2-2.3](#); [329 IAC 12-2-2.4](#); [329 IAC 12-2-4](#); [329 IAC 12-2-5](#); [329 IAC 12-2-5.1](#); [329 IAC 12-2-5.2](#); [329 IAC 12-2-6](#); [329 IAC 12-2-8.5](#); [329 IAC 12-2-11.1](#); [329 IAC 12-2-11.2](#); [329 IAC 12-2-13](#); [329 IAC 12-2-15](#); [329 IAC 12-2-16](#); [329 IAC 12-2-24](#); [329 IAC 12-2-27](#); [329 IAC 12-2-27.2](#); [329 IAC 12-2-30](#); [329 IAC 12-2-31.5](#); [329 IAC 12-2-33](#); [329 IAC 12-2-36](#); [329 IAC 12-2-38](#); [329 IAC 12-2-39](#); [329 IAC 12-2-42](#); [329 IAC 12-2-44](#); [329 IAC 12-2-45](#); [329 IAC 12-2-46](#); [329 IAC 12-2-49](#); [329 IAC 12-2-51.5](#); [329 IAC 12-2-54](#); [329 IAC 12-3-1](#); [329 IAC 12-3-2](#); [329 IAC 12-7-1](#); [329 IAC 12-7-2](#); [329 IAC 12-7-3](#); [329 IAC 12-7-4](#); [329 IAC 12-7-5](#); [329 IAC 12-7-6](#); [329 IAC 12-7-6.5](#); [329 IAC 12-7-7](#); [329 IAC 12-8-1](#); [329 IAC 12-8-2](#); [329 IAC 12-8-2.1](#); [329 IAC 12-8-3](#); [329 IAC 12-8-3.1](#); [329 IAC 12-8-4](#); [329 IAC 12-8-4.1](#); [329 IAC 12-8-5](#); [329 IAC 12-8-6](#); [329 IAC 12-8-7](#); [329 IAC 12-8-8](#); [329 IAC 12-8-9](#); [329 IAC 12-8-10](#); [329 IAC 12-9-1](#); [329 IAC 12-9-2](#); [329 IAC 12-9-2.1](#); [329 IAC 12-9-3](#); [329 IAC 12-9-3.1](#); [329 IAC 12-9-4](#); [329 IAC 12-9-4.1](#); [329 IAC 12-9-5](#); [329 IAC 12-9-6](#); [329 IAC 12-9-7](#).

AUTHORITY: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-15-10](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

The solid waste facility operator certification program is required under [IC 13-15-10](#). State statute requires the Environmental Rules Board (board) to adopt rules to establish standards for the training, examination, certification, and renewal certification of operators of solid waste land disposal facilities. In accordance with [IC 13-15-10-2](#), solid waste facilities that are required to have a certified operator cannot obtain or renew a permit to operate unless the facility is operated by an individual certified under this program. Through the program, IDEM is assured that solid waste facilities have a certified and trained operator on-site, and operators are required to stay current with industry trends.

This draft rule makes substantial amendments to the existing rules based on comments received during the first comment period and internal departmental decisions regarding improved clarity, consistency, and organization throughout the rule. The specific changes proposed in the draft rule include the following:

- In [329 IAC 12-2](#), the deletion of definitions that do not appear in the rule, the addition of new definitions related to amendments in the rule, and modification of existing definitions.
- Improved consistency and clarity for the use and meaning of common terms used throughout the rule, such as "accredited examination provider", "accredited training course provider", "certification", "recertification", "examination", and "training course".
- In [329 IAC 12-3](#), an update of the facilities that are exempt from operator certification requirements. The previous requirements duplicated solid waste activity exclusions from [329 IAC 10-3](#), rather than listing specifically the types of solid waste facilities that are exempt from this article. The rule changes provide a more accurate and up-to-date listing of exempt facilities.
- Increased options for operator recertification added in [329 IAC 12-7-6](#), which now includes the opportunity to take an examination, training course, or series of continuing education training courses, known as a Continuing Education Unit.
- An extension of the time between recertification from one year to three years.
- Relocation of examination and training course verification requirements from [329 IAC 12-7-4](#) to the appropriate sections in [329 IAC 12-8](#) and [329 IAC 12-9](#).
- Revision of the examination topic requirements in [329 IAC 12-8](#) and revision of the training course requirements in [329 IAC 12-9](#).
- Reorganization of the sections in [329 IAC 12-8](#) and [329 IAC 12-9](#) to improve clarity and consistency of the requirements between the two rules.

- The length of the training course for recertification is extended from four hours to six hours.

Persons and entities that will be affected by this rulemaking include current and future certified solid waste facility operators, solid waste management facilities, and institutions that provide the accredited tests and training courses for operator certification.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, alternative ways to achieve the purpose of the rulemaking, and any other provisions of Title 329 that may be affected by this rulemaking.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

The following elements of the draft rule impose either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL element or elements):

The following information is provided with each NIFL element:

- (1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana, and examples in which federal law is inadequate to provide this protection for Indiana.
- (2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.
- (3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element (A) The entire article of [329 IAC 12](#) is not imposed under federal law.

- (1) The solid waste facility operator certification program at [329 IAC 12](#) is a state-only program established under the authority of [IC 13-15-10](#). The operator certification program ensures that qualified and certified personnel are operating solid waste management facilities throughout Indiana, thereby ensuring that solid waste is properly managed and the risk of contamination to Indiana's land and water resources is minimized. The rules include requirements for regular recertification training courses that cover the latest trends and regulations in solid waste facility operation.

- (2) Because the entire rule and the requirements are not imposed under federal law, the estimated fiscal impact of this NIFL is described in more detail in the Potential Fiscal Impact section of this notice.

- (3) The following materials were used to develop this NIFL element:

- (A) [329 IAC 12](#).
- (B) [IC 13-15-10](#).

Potential Fiscal Impact

This rulemaking is not expected to have a significant fiscal impact, and most likely will represent a cost savings for affected entities. For operators seeking certification and recertification, they will have cost savings related to the change from one year to three years for the duration between recertification. With the change of requirements for recertification from one year to three years, the operators may attend recertification courses less frequently and receive a cost savings by paying fewer course fees. If the cost of a training course for recertification is \$100, each operator can expect to receive a cost savings of at least \$200 during each recertification period. In addition, further cost savings can be achieved by taking the examination for recertification, which generally has a lower cost and takes less time than a training course.

Affected entities, including the operators and providers of examinations and training courses, may have a small administrative cost for the time spent in order to understand the rule changes. We expect this administrative time to be no longer than three to four hours.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Dan Watts, Rules Development Branch, Office of Legal Counsel at (317) 234-5345 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from April 16, 2014, through May 16, 2014, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Bill Paraskevas, National Waste and Recycling Association (BP)

Comment: Extend the period for which individuals must renew their certification to either every two or every three years. (BP)

Response: IDEM has proposed extending the period for recertification from one year to three years at [329 IAC 12-7-3\(f\)](#) and [329 IAC 12-7-6\(c\)](#).

Comment: Require individuals to complete eight hours (for a two-year renewal period) or 12 hours (for a three-year renewal period) of training in order to renew their certifications. At least one hour of this training must

cover Indiana legislation, regulations, or policy. The other training hours can come from one or more of the remaining topics listed in [329 IAC 12-9-2\(b\)](#). (BP)

Response: IDEM has proposed increasing the length of the training course from four hours to six hours at [329 IAC 12-9-3.1\(b\)](#) and added the option to complete a Continuing Education Unit as certified by the International Association for Continuing Education and Training (IACET) that totals ten hours of continuing education courses. The current rules do require a segment of the training course to be dedicated to updates on Indiana legislation, regulations, or policy, but do not require an exact amount of time. IDEM will continue to require that the topic be included in a training course, but not require an exact amount of time dedicated to that topic. The exact amount of time dedicated to the topic will vary depending upon the extent of updates to Indiana legislation, regulations, and policy.

Comment: Maintain and post on the IDEM website a list of courses by nationally recognized institutions that the department recognizes as being applicable to the certification program. Include in this listing courses offered by the Environmental Research and Education Foundation, the National Solid Wastes Management Association and the Solid Waste Association of North America. Furthermore, allow web-based training as well as in-class training. (BP)

Response: IDEM has proposed additional language at [329 IAC 12-8-3.1\(h\)](#) and [329 IAC 12-9-3.1\(e\)](#) that requires accredited examination and training course providers to send a list of the courses offered for the upcoming year before January 1 of each year, if the information is available. IDEM can list these courses on the IDEM website without adding any requirements in the rules.

IDEM will approve and list courses that are offered by accredited training course providers and not show favoritism for certain organizations. If an organization meets the requirements for an accredited training course provider in [329 IAC 12-9](#), IDEM approves the organization's application, and the organization submits their course offerings for the upcoming year before the submittal deadline, then the organization's course will be listed on the IDEM website. In addition, if the organization offers courses that meet the requirements at [329 IAC 12-7-6.5](#) for a Continuing Education Unit, the courses can be used for operator recertification.

There are no requirements in [329 IAC 12](#) that prohibit an accredited training course provider from offering web-based training. If an accredited provider and the training course meet all the requirements of [329 IAC 12-9](#), then the provider may offer the training course as a web-based training course.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #14-111 Solid Waste Facility Operator Certification
Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

- (3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than August 21, 2015. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [329 IAC 12-2-2.2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-2.2](#) "Accredited examination provider" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.2. "Accredited examination provider" means a person or a postsecondary learning institution that provides an ~~accredited~~ examination for the purpose of certifying operators in accordance with [329 IAC 12-7](#) and [329 IAC 12-8](#).

(Solid Waste Management Division; [329 IAC 12-2-2.2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1479; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 2. [329 IAC 12-2-2.4](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-2.4](#) "Accredited training course provider" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.4. "Accredited training course provider" means a person or a postsecondary learning institution that provides an ~~accredited~~ a training course for the purpose of recertifying operators in accordance with [329 IAC 12-7](#) and [329 IAC 12-9](#).

(Solid Waste Management Division; [329 IAC 12-2-2.4](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 3. [329 IAC 12-2-5.1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-5.1](#) "Certificate" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.1. "Certificate" means a document issued by the commissioner to an individual meeting the testing ~~or training~~ requirements of [329 IAC 12-7](#), and [329 IAC 12-8](#), and [329 IAC 12-9](#).

(Solid Waste Management Division; [329 IAC 12-2-5.1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 4. [329 IAC 12-2-5.2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-5.2](#) "Certified operator" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.2. "Certified operator" means an individual

(1) with responsibility for the daily operation of the facility; and

(2) who holds a current certificate ~~of training~~ issued by the commissioner.

(Solid Waste Management Division; [329 IAC 12-2-5.2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 5. [329 IAC 12-2-6](#) IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-2-6 "Collection container system" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 6. "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public such as a county wide collection box system. **has the meaning set forth in [329 IAC 10-2-31](#).**

(Solid Waste Management Division; [329 IAC 12-2-6](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1953; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 6. [329 IAC 12-2-8.5](#) IS ADDED TO READ AS FOLLOWS:

329 IAC 12-2-8.5 "Continuing education unit" or "CEU" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8.5. "Continuing education unit" or "CEU" means ten (10) hours of participation in an organized continuing education course with courses and instructors that are approved by the International Association for Continuing Education and Training (IACET).

(Solid Waste Management Division; [329 IAC 12-2-8.5](#))

SECTION 7. [329 IAC 12-2-11.2](#) IS ADDED TO READ AS FOLLOWS:

329 IAC 12-2-11.2 "Examination" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 11.2. "Examination" means a set of questions, problems, and other tests of knowledge conducted by an accredited examination provider for the purposes of testing individuals seeking certification or recertification as solid waste facility operators.

(Solid Waste Management Division; [329 IAC 12-2-11.2](#))

SECTION 8. [329 IAC 12-2-16](#) IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-2-16 "Ground water" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 16. "Ground water" means water below the land surface in the zone of saturation. **has the meaning set forth in [329 IAC 10-2-85](#).**

(Solid Waste Management Division; [329 IAC 12-2-16](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1954; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 9. [329 IAC 12-2-31.5](#) IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-2-31.5 "Recertification" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 31.5. "Recertification" means the procedures under [329 IAC 12-7](#) and [329 IAC 12-9](#) to renew a certification for a certified operator meeting the applicable **testing or** training requirements.

(Solid Waste Management Division; [329 IAC 12-2-31.5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 236; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 10. [329 IAC 12-2-44](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-44](#) "Solid waste facility" or "facility" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 44. "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for processing, storing in conjunction with processing or disposal, or disposing of solid waste and may consist of several processing, storage, or disposal operational units, for example, one (1) or more landfills, surface impoundments, or combinations thereof. **has the meaning set forth in [329 IAC 10-2-69](#).**

(Solid Waste Management Division; [329 IAC 12-2-44](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 11. [329 IAC 12-2-46](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-46](#) "Solid waste management" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 46. "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste. **has the meaning set forth in [329 IAC 11-2-42](#).**

(Solid Waste Management Division; [329 IAC 12-2-46](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 12. [329 IAC 12-2-49](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-49](#) "Surface impoundment" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 49. (a) "Surface impoundment" means a facility or part of a facility that:

- (1) is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials, although it may be lined with manmade materials;
- (2) holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids; and
- (3) is not an injection well.

(b) Examples of surface impoundments may include the following:

- (1) Holding, storage, settling, and aeration pits.
- (2) Holding, storage, settling, and aeration ponds.
- (3) Holding, storage, settling, and aeration lagoons.

has the meaning set forth in [329 IAC 11-2-45](#).

(Solid Waste Management Division; [329 IAC 12-2-49](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1958; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 13. [329 IAC 12-2-51.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-2-51.5](#) "Training course" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 51.5. "Training course" means a course conducted by an accredited training course provider for the purposes of providing solid waste facility operator training for recertification.

(Solid Waste Management Division; [329 IAC 12-2-51.5](#))

SECTION 14. [329 IAC 12-2-54](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-54](#) "Vector" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 54. "Vector" means any animal capable of harboring and transmitting micro-organisms from one (1) animal to another or to a human; has the meaning set forth in [329 IAC 11-2-48](#).

(Solid Waste Management Division; [329 IAC 12-2-54](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1959; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 15. [329 IAC 12-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-3-1](#) Exclusions; general

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. The following solid waste management activities are not subject to the provisions of facilities are not subject to operator certification requirements under this article:

- (1) Disposing of only uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt. Solid waste processing facilities permitted under [329 IAC 11](#), except incinerators and waste-to-energy facilities.**
- (2) Land application activities regulated by [327 IAC 6](#) and [327 IAC 7](#). [327 IAC 6.1](#) and [327 IAC 7.1](#).**
- (3) Confined feeding control activities regulated by [IC 13-18-10](#).**
- (4) Wastewater discharge activities regulated by [327 IAC 5](#).**
- (5) Processing, except for incineration, in which the waste, other than tires, has been segregated from the general solid waste stream prior to arrival at the processing site. Waste tire processing operations and storage sites registered under [329 IAC 15](#).**
- (6) Processing, except for incineration, of solid waste which takes place at the generating facility. Electronic waste storage and processing facilities registered under [329 IAC 16](#).**
- (7) Processing and disposal of uncontaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings. Composting facilities registered under [IC 13-20-10](#).**
- (8) Disposal of sawdust which is derived from processing untreated natural wood. Biomass anaerobic digestion facilities and biomass gasification facilities registered under [329 IAC 11.5](#).**
- (9) The disposal of coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under [327 IAC 3](#). Mobile home salvaging facilities registered under [329 IAC 11.6](#).**
- (10) The operation of surface impoundments, however, the final disposal of solid waste in such facilities at the end of their operation is subject to approval by the commissioner except as excluded under subdivisions (9) and (11). Facilities that burn alternative fuel registered under [329 IAC 11.7](#).**
- (11) The disposal of coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.**
- (12) Uses and disposal of coal waste as exempted from regulation in [IC 13-19-3-3](#).**
- (13) The legitimate use of iron and steelmaking slags including the use as a base for road building, but not**

~~including use for land reclamation except as allowed under subdivision (15).~~

~~(14) The legitimate use of foundry sand which has been demonstrated as suitable for restricted waste site Type III under the provisions of [329 IAC 10-9](#), including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).~~

~~(15) Other uses of solid waste may be approved by the commissioner if the commissioner determines them to be legitimate uses that do not pose a threat to public health and the environment.~~

(Solid Waste Management Division; [329 IAC 12-3-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 16. [329 IAC 12-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-3-2](#) Exclusion; hazardous waste

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. (a) Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with [329 IAC 3.1](#). Hazardous waste that is regulated by [329 IAC 3.1](#) is not subject to the provisions of this article.

~~(b) No hazardous waste that is regulated by [329 IAC 3.1](#) shall be disposed at any solid waste facility regulated under this article. If the operator of a permitted hazardous waste treatment, storage, and disposal facility complies with the training requirements under [329 IAC 3.1-9](#), the operator is not subject to the provisions of this article to obtain certification.~~

~~(c) For the purposes of this article, "hazardous waste that is regulated by [329 IAC 3.1](#)" does not include hazardous waste that is generated in quantities less than one hundred (100) kilograms per month and is therefore excluded from regulation under the hazardous waste management article, [329 IAC 3.1](#). Such small quantities of hazardous waste shall be disposed of in accordance with [329 IAC 10](#).~~

~~(d) Facilities permitted under [329 IAC 3.1](#) are not required to obtain permits under this article for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility.~~

(Solid Waste Management Division; [329 IAC 12-3-2](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 17. [329 IAC 12-7-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. (a) This rule ~~shall apply~~ **applies** to individuals responsible for operation **until final closure certification** of the following facilities in accordance with [329 IAC 10](#) or [329 IAC 11](#):

- (1) Permitted solid waste incinerators and waste-to-energy facilities.
- (2) Permitted municipal and nonmunicipal solid waste land disposal facilities.
- (3) Permitted restricted waste sites and construction/demolition sites.

~~(b) The operators of the following facilities are deemed certified under this rule:~~

- ~~(1) Permitted hazardous waste treatment, storage, and disposal facilities that comply with the training requirements under [329 IAC 3.1-9](#).~~
- ~~(2) Incinerators described under [329 IAC 11-19-2\(a\)](#).~~

(b) An incinerator operator that complies with the training requirements in [326 IAC 11-7-5](#) is deemed a

certified operator if the incinerator:

- (1) is defined under [329 IAC 11-2-16](#); and
- (2) burns municipal solid waste.

(Solid Waste Management Division; [329 IAC 12-7-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 18. [329 IAC 12-7-2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-2](#) General provisions

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2. (a) Solid waste management facilities to which this rule applies **described in section 1 of this rule** must have at least one (1) interim or certified operator at the facility at all times when the ~~solid waste management facility designated under section 1(a) of this rule~~ is in operation. If the interim or certified operator is absent from the facility, the interim or certified operator ~~shall remain~~ **must be** available through contact by electronic communication device or telephone.

(b) Except as provided in subsection (c) ~~or (e), or (f)~~, an individual shall not perform the duties of an operator unless that individual has a valid certificate from the commissioner.

(c) ~~An individual who performs the duties of an operator on or before the effective date of this rule shall be considered an interim operator and may continue to perform the duties of a certified operator. However, an interim operator shall pass an accredited examination and receive a certificate under this rule and [329 IAC 12-8](#) no later than one (1) year after the effective date of this rule.~~ **A solid waste facility may operate with an interim operator if the certified operator:**

- (1) leaves employment at the facility; or
- (2) is unable to fulfill the duties of a certified operator.

(d) **A solid waste facility must keep the following information** ~~for each interim operator the solid waste management facilities designated in section 1(a) of this rule shall keep the following information in the operating record:~~

- (1) The name of the interim operator.
- (2) The date on which the interim operator was designated responsible for the operation of the facility.

~~(e) A solid waste management facility may operate a facility with an interim operator if the certified operator:~~

- ~~(1) leaves the employment of the facility; or~~
- ~~(2) is unable to fulfill the responsibilities of certified operator for a period of time.~~

~~(f) (e)~~ An interim operator designated under subsection ~~(e) (c)~~ may serve for up to one hundred twenty (120) days after the:

- (1) departure of the certified operator; or
- (2) **date the certified operator is unable to fulfill the duties of a certified operator.**

~~(g) (f)~~ A request for an extension of the one hundred twenty (120) day time period may be made by:

- (1) submitting a written request for extension to the commissioner; and
- (2) providing an explanation of the reason the extension is being requested.

~~(h) The certificate shall be posted in the office at the facility for the certified operator. Certified operators shall have available at the permitted facility a photographic identification card, such as driver's license or other picture identification card, when serving as the facility's certified operator. The certificate and photographic identification card shall both be available for inspection by the department representatives during an inspection.~~

(g) The certified operator shall:

- (1) post the certificate in the office of the facility at which the individual is currently employed;
- (2) have available at the facility a photographic identification card when serving as the facility's certified operator; and
- (3) make the certificate and photographic identification card available for public inspection by the department representatives during an inspection.

(h) When an operator begins or terminates employment with a facility, the facility must notify the commissioner in writing with the following information:

- (1) The name of the new or former operator.
- (2) The date that the new operator begins employment or the former operator terminates employment.

(Solid Waste Management Division; [329 IAC 12-7-2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 19. [329 IAC 12-7-3](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-3](#) Exam for operator certification and recertification; classification and application

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3. (a) ~~A certification shall be issued by~~ The commissioner **shall issue a certification** to an individual who demonstrates the skill and knowledge necessary to operate the appropriate type of solid waste management facility through

- ~~(1) testing for the initial certification. or~~
- ~~(2) attendance in an accredited training course for recertification.~~

(b) Certificates ~~shall be~~ **are** classified as follows:

- (1) Category I certification for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II certification for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III certification for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV certification for a specific facility.

(c) An individual certified to operate a Category II facility shall also be considered certified to operate a Category III facility.

(d) An individual certified to operate only a Category III facility is not considered certified to operate a Category II facility and must obtain a separate certification for a Category II facility.

~~(d) (e)~~ **(e)** An individual seeking certification or recertification **by examination** must complete an application **on forms approved by the commissioner and** provided by the ~~approved~~ **accredited** examination provider. ~~or the accredited training course provider that contains~~ **The application must contain** the following:

- (1) The name of the individual seeking certification or recertification.
- (2) The name, full address, and telephone number of the facility at which the individual is currently employed, if applicable.
- (3) The type of facility at which the individual is currently employed, if applicable.
- (4) The type of certification sought by the applicant.
- ~~(5) A statement to be signed by the individual seeking certification or recertification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."~~

~~(e) An initial~~ **(f) A** certificate granted under subsection ~~(a)(1)~~ **(a)** or section 5 of this rule ~~shall be~~ **is** valid for ~~one~~ **three (3) years** from the date of issuance.

~~(f) Individuals~~ **(g) An individual** certified or recertified in accordance with 40 CFR 60.56a(d) may request to receive Category IV certification or recertification by submitting the following to the commissioner:

- (1) An application containing the information specified in subsection ~~(d)(1)~~ **(e)(1)** through ~~(d)(5)~~ **(e)(4)**.

- (2) A copy of the current certification obtained under 40 CFR 60.56a(d).
- (3) Documentation of receipt of any annual training or update required under 40 CFR 60.56a(d).

(Solid Waste Management Division; [329 IAC 12-7-3](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1618; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 20. [329 IAC 12-7-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-5](#) Reciprocity

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) Any individual seeking certification who has been certified as a solid waste facility operator by an accrediting institution in another state **other than an accredited provider for the state of Indiana** may be designated a certified operator for a facility that is comparable to the facility that the individual was certified to operate in another state.

- (b) A request for a certificate from the commissioner may be made by submitting the following:
 - (1) An application on forms ~~prescribed~~ **approved** by the commissioner.
 - (2) A copy of a solid waste facility operator certification from an accrediting institution in another state.

(c) Upon receipt of a certificate from the commissioner, the individual seeking reciprocity may begin to operate a facility comparable to the facility for which certification was received from another state.

(Solid Waste Management Division; [329 IAC 12-7-5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 21. [329 IAC 12-7-6](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-6](#) Operator recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. (a) ~~To renew, an operator must take an accredited training course approved by the commissioner under [329 IAC 12-9](#). A certified operator must complete an accredited training course prior to expiration of the operator's valid certificate.~~ **or an operator with an expired certification may recertify by completing at least one (1) of the following:**

- (1) **An examination conducted by an accredited examination provider under [329 IAC 12-8](#).**
- (2) **A training course of at least six (6) hours in duration conducted by an accredited training course provider under [329 IAC 12-9](#).**
- (3) **A CEU that meets the requirements of section 6.5 of this rule.**

(b) ~~A certified operator completing one (1) or more accredited training courses in the twelve (12) months prior to the expiration of that operator's valid certificate shall be recertified. Recertification renews that operator's valid certificate for one (1) year from the expiration date of the certificate that was valid at the time of the training.~~ **An individual seeking recertification through a training course shall complete an application on forms approved by the commissioner and provided by the accredited training course provider that contains the following updated information:**

- (1) **The name of the individual seeking recertification.**
- (2) **The name, full address, and telephone number of the facility at which the individual is currently employed, if applicable.**
- (3) **The type of facility at which the individual is currently employed, if applicable.**
- (4) **The category of recertification sought by the individual.**

- (c) Recertification is valid for three (3) years from the date of the most recently completed:
- (1) training course from an accredited training course provider;
 - (2) examination from an accredited examination provider; or
 - (3) CEU that meets the requirements of section 6.5 of this rule.

(Solid Waste Management Division; [329 IAC 12-7-6](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1619; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 22. [329 IAC 12-7-6.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-7-6.5](#) Operator recertification; continuing education unit

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6.5. A certified operator or an operator with an expired certification may recertify by taking a CEU that meets the following requirements:

- (1) One (1) CEU shall total ten (10) hours of continuing education courses.
- (2) The completed CEU must address six (6) or more of the topics listed in:
 - (A) [329 IAC 12-9-3.1](#)(b)(2) for Category II certification; or
 - (B) [329 IAC 12-9-3.1](#)(b)(3) for Category III certification.
- (3) A continuing education course and instructor must be approved by the International Association for Continuing Education and Training (IACET).
- (4) The continuing education courses that are equal to one (1) CEU must have been completed within three (3) years prior to the date the operator seeks recertification.
- (5) The operator shall record and retain the following information about each training course for a CEU:
 - (A) Title of the course.
 - (B) Date of course completion.
 - (C) Name, address, and phone number of the IACET-approved course provider.
 - (D) Documentation issued by the IACET-approved course provider that shows the operator completed the course.
 - (E) Length of course in one (1) hour increments.
 - (F) How the course addresses one (1) or more of the topics listed in:
 - (i) [329 IAC 12-9-3.1](#)(b)(2) for Category II certification; or
 - (ii) [329 IAC 12-9-3.1](#)(b)(3) for Category III certification.
- (6) Prior to the date the operator seeks recertification, the operator shall submit to the commissioner on forms approved by the commissioner the information:
 - (A) recorded in subdivision (5); and
 - (B) required in section 6(b)(1) through 6(b)(4) of this rule.
- (7) Upon review of the information submitted in subdivision (6), the commissioner shall:
 - (A) make a determination as to the eligibility of the operator for recertification; and
 - (B) recertify the certificate of an operator that fulfills the requirements of this rule.

(Solid Waste Management Division; [329 IAC 12-7-6.5](#))

SECTION 23. [329 IAC 12-7-7](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-7](#) Certification revocation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may ~~make a decision to~~ revoke a certificate if the certified operator ~~commits~~ **does** any of the following:

- (1) Repeatedly violates: ~~a requirement or requirements of~~:
 - (A) [329 IAC 10](#), regarding operation of a solid waste facility;
 - (B) [329 IAC 11](#), regarding incinerator operation; or

- (C) [329 IAC 12](#), regarding operator certification.
- (2) Endangers human health, safety, or the environment by knowingly or intentionally violating operating procedures of a solid waste facility.
- (3) Falsifies information provided to **one (1) or more of the following**:
- (A) ~~The department, a~~ **commissioner**.
 - (B) **An accredited** provider of an ~~accredited~~ examination. ~~or~~
 - (C) **An accredited** training course provider for certification purposes.
- (4) Falsifies information on an extension request for interim status.
- (b) A revoked certificate must be for a period **of time** established by the commissioner, but not less than six (6) months.
- (c) The certification may be revoked ~~following the procedures under~~ **in accordance with [IC 4-21.5](#)**.
- (d) ~~Unless specified otherwise by the commissioner in a revocation of certification, a certified operator having a revoked certification must pass an accredited examination after the time period designated under subsection (b) of the revocation has expired to become certified after a revocation. After the time period of revocation has expired, an operator with a revoked certification must pass an examination to become certified, unless specified otherwise by the commissioner.~~
- (e) Permanent revocation of certification may be made by the commissioner for an operator with multiple violations or revocations. **The commissioner may permanently revoke a certification:**
- (1) for a violation under subsection (a)(2); or**
 - (2) if the certified operator has had more than one (1) revocation under this section.**
- (Solid Waste Management Division; [329 IAC 12-7-7](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))*

SECTION 24. [329 IAC 12-8-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 8. Solid Waste Facility Operator Accredited Examination Provider Requirements

[329 IAC 12-8-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule ~~shall apply~~ **applies** to a person or postsecondary learning institution that provides an ~~accredited~~ examination for the purpose of certifying individuals under [329 IAC 12-7](#) and this rule.

(Solid Waste Management Division; [329 IAC 12-8-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 25. [329 IAC 12-8-2.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-8-2.1](#) Examination providers; application for accreditation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.1. (a) An examination provider must have a valid letter of accreditation from the commissioner to provide an examination for operator certification or recertification.

(b) A person or postsecondary learning institution seeking accreditation as an examination provider by the commissioner must submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1) make a determination as to the eligibility of the applicant for accreditation; and
- (2) issue a letter of accreditation to an applicant who meets the requirements of this rule.

(d) A letter of accreditation is valid for three (3) years from the date of issuance.

(e) If there is a change in the primary contact person, an accredited examination provider shall notify the commissioner in writing of the change.

(f) An applicant or accredited examination provider must allow department representatives to take any examination, for the purposes of auditing, evaluating, and monitoring any examination without charge to the department. The department is not required to give advanced notice of an audit.

(Solid Waste Management Division; [329 IAC 12-8-2.1](#))

SECTION 26. [329 IAC 12-8-3.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-8-3.1](#) Examination requirements

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3.1. (a) An examination must consist of at least fifty (50) multiple choice questions to demonstrate knowledge and skill of the subject matter.

(b) An individual taking the examination must receive a score of at least seventy percent (70%) correct responses to receive certification.

(c) The examination must address the following subject matter:

(1) A Category I examination must include questions about the topics required in [326 IAC 11-7-5](#).

(2) A Category II, III, and IV examination must include questions that address each of the following topics:

- (A) Waste generation, acceptance, and monitoring.
- (B) Landfill location restrictions.
- (C) Landfill design and construction requirements.
- (D) Landfill operational procedures.
- (E) Landfill storm water management.
- (F) Landfill gas management requirements.
- (G) Landfill maintenance and monitoring requirements.
- (H) Landfill ground water and explosive gases monitoring.
- (I) Landfill reporting and record keeping.
- (J) Landfill closure and post-closure requirements.
- (K) Landfill compliance with state and federal regulatory requirements.

(3) In addition to the requirements in subdivision (2), the examination for a Category IV site must include site-specific questions that address each of the topics applicable to the type of site for which the examination was developed.

(d) An individual may not use any of the following during an examination:

- (1) Books.
- (2) Notes.
- (3) Charts.
- (4) Any devices that can be used to record, transmit, receive, or play back the following content:
 - (A) Audio.
 - (B) Photographic.
 - (C) Text.
 - (D) Video content.

(e) All examinations developed by the accredited examination provider for the purpose of testing solid waste facility operators may not be shown or given to any person except for the following:

- (1) The commissioner for approval under section 2.1 of this rule.
- (2) The individual taking the examination during the time that the examination is administered.

(f) An accredited examination provider shall provide verification of testing to the commissioner in accordance with section 4.1 of this rule.

(g) An accredited examination provider may not use a changed examination without receiving prior approval from the commissioner. Before a change in the examination, an accredited examination provider shall:

- (1) notify the commissioner in writing of the change with an accompanying copy of the change; and
- (2) receive approval from the commissioner.

(h) An accredited examination provider shall send a written notice to the commissioner with the location and time of the examinations:

- (1) before January 1 of each year in which examinations are scheduled, if the information is available; or
- (2) at least two (2) weeks in advance of the examination, if the information is not available before January 1 of each year.

(i) An accredited examination provider shall send notice to the commissioner at least two (2) weeks in advance of the examination if the:

- (1) time or location of the examination changes; or
- (2) examination is canceled.

(Solid Waste Management Division; [329 IAC 12-8-3.1](#))

SECTION 27. [329 IAC 12-8-4.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-8-4.1](#) Verification of examination for certification and recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within one (1) week after each examination, an accredited provider shall submit the following information for testing verification:

- (1) The complete application for all individuals taking the examination as required in [329 IAC 12-7-3\(e\)](#).
- (2) The examination scores for all individuals taking the examination.

(b) The commissioner shall deny certification or recertification to an individual who:

- (1) has a revoked certification for which the time period of the penalty has not lapsed; or
- (2) failed to receive a passing score of at least seventy percent (70%) correct responses in accordance with [329 IAC 12-8-3.1\(b\)](#).

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#).

(Solid Waste Management Division; [329 IAC 12-8-4.1](#))

SECTION 28. [329 IAC 12-8-8](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-8-8](#) Reaccreditation for an accredited examination provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8. (a) An accredited examination provider seeking reaccreditation by the commissioner shall:

- (1) have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for

~~providing accredited examinations for operators; submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation; and~~
(2) ~~submit a completed application on forms prescribed by the commissioner and include updated information as required in section 7(a)(2) of this rule. develop and submit with the application an updated examination in accordance with this rule and [329 IAC 12-7](#).~~

(b) Failure to submit a complete application within the time frame under subsection (a) may result in delay of a letter of reaccreditation.

~~(b) (c) Upon review,~~ **submittal of a complete application**, the commissioner shall:

~~(1) make an initial a determination as to the eligibility of the examination for on reaccreditation; The commissioner shall and~~

(2) issue a letter of reaccreditation to an accredited examination provider applicant that fulfills meets the requirements of this rule.

~~(e) (d) A letter of reaccreditation shall be is~~ valid for three (3) years from the date of issuance.

~~(d) Within thirty (30) days of a change, an accredited examination provider shall notify the commissioner in writing of a change in the examination or primary contact person.~~

(Solid Waste Management Division; [329 IAC 12-8-8](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 29. [329 IAC 12-8-9](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-8-9](#) Representation of an accredited examination provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 9. No person shall make a representation as ~~providing an accredited examination~~ **an accredited examination provider** for the purpose of accrediting an individual under [329 IAC 12-7](#) and this rule without being currently accredited by the commissioner under this rule.

(Solid Waste Management Division; [329 IAC 12-8-9](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 30. [329 IAC 12-8-10](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-8-10](#) Accreditation revocation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 10. (a) The commissioner may revoke the accreditation of an examination **provider** if the ~~examination~~ provider: ~~commits any of the following:~~

(1) violates **or fails to meet** a requirement of this rule;

(2) falsifies information on an application **under section 2.1 of this rule** to provide ~~accredited~~ examinations for individuals taking the examination;

(3) falsifies information ~~on~~ **about** individuals taking the examination; **or**

~~(4) Fails to meet a qualification specified in sections 2 through 5 of this rule.~~

~~(5) (4) fails to provide a quality examination based on documented and verified complaints registered with the commissioner about an examination.~~

~~(6) Has a continual failure rate of more than twenty percent (20%) of the individuals taking the examination.~~

~~(b) The accreditation may be revoked following procedures~~ **A revocation may be appealed** under [IC 4-21.5](#).

(Solid Waste Management Division; [329 IAC 12-8-10](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 31. [329 IAC 12-9-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 9. Solid Waste Facility Operator Accredited Training Course Provider Requirements

[329 IAC 12-9-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule shall apply **applies** to a person or postsecondary learning institution that provides an accredited training course for the purpose of recertifying individuals under [329 IAC 12-7](#) ~~[329 IAC 12-8](#)~~, and this rule.

(Solid Waste Management Division; [329 IAC 12-9-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 32. [329 IAC 12-9-2.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-9-2.1](#) Training course providers; application for accreditation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.1. (a) A training course provider must have a valid letter of accreditation from the commissioner to provide a training course for operator recertification.

(b) A person or postsecondary learning institution seeking accreditation as a training course provider by the commissioner shall submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1)** make a determination as to the eligibility of the applicant for accreditation; and
- (2)** issue a letter of accreditation to an applicant who meets the requirements of this rule.

(d) A letter of accreditation is valid for three (3) years from the date of issuance.

(e) An accredited training course provider shall notify the commissioner in writing of a change in:

- (1)** instructional staff, including a copy of the required information on new instructional staff; or
- (2)** primary contact person, including a copy of the required information for the new contact.

(f) An applicant or accredited training course provider must allow department representatives to attend, for purposes of auditing, evaluating, and monitoring, any training course without charge to the department. The department is not required to give advance notice of an audit.

(g) The commissioner shall approve the use of subcontractors to conduct training courses before courses are provided.

(Solid Waste Management Division; [329 IAC 12-9-2.1](#))

SECTION 33. [329 IAC 12-9-3.1](#) IS ADDED TO READ AS FOLLOWS:

329 IAC 12-9-3.1 Training course requirements for recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3.1. (a) Training courses are classified as follows:

- (1) Category I recertification training course for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II recertification training course for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III recertification training course for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV recertification training course for a specific facility.

(b) The training course must provide a minimum of six (6) hours of instruction and include topics relating to the appropriate category of solid waste facility operation as follows:

- (1) For a Category I training course, the topics required in [326 IAC 11-7-5](#).
- (2) For a Category II training course, the following topics:
 - (A) An overview of municipal and nonmunicipal solid waste disposal facilities in integrated municipal solid waste management to address:
 - (i) generation of municipal and nonmunicipal solid wastes;
 - (ii) physical and chemical composition of solid wastes; and
 - (iii) municipal and nonmunicipal solid waste management.
 - (B) Basics of site selection and location restrictions.
 - (C) Compliance with design requirements for:
 - (i) specifications;
 - (ii) liner requirements;
 - (iii) construction quality/construction assurance plan; and
 - (iv) municipal and nonmunicipal solid waste facility preoperational requirements.
 - (D) Waste acceptance and screening, including:
 - (i) wastes prohibited by state and federal law and regulations;
 - (ii) commonly prohibited wastes;
 - (iii) wastes requiring special handling;
 - (iv) wastes prohibited by the facility permit;
 - (v) screening methods for prohibited wastes;
 - (vi) wastes that generate heat;
 - (vii) record keeping and notification requirements; and
 - (viii) public information and education.
 - (E) Waste decomposition, including:
 - (i) fate of wastes;
 - (ii) effects of decomposition;
 - (iii) subsidence and differential settlement;
 - (iv) landfill gas generation, migration, and control; and
 - (v) leachate generation, migration, and control.
 - (F) Control processes for landfill gas and leachate, including:
 - (i) landfill gas and leachate characteristics;
 - (ii) managing landfill gas;
 - (iii) protection of facilities built on landfills;
 - (iv) landfill gas recovery systems; and
 - (v) monitoring and managing leachate.
 - (G) Operational techniques, including:
 - (i) design and operational plans;
 - (ii) operational practices;
 - (iii) cover systems;
 - (iv) operation of a lined facility;
 - (v) operational problems;
 - (vi) site operation to minimize environmental and health problems;
 - (vii) fire prevention and abatement;
 - (viii) ground water monitoring requirements; and
 - (ix) corrective action requirements.
 - (H) Closure and long term care issues, including:

- (i) site closure;
- (ii) closure plan;
- (iii) long term care and environmental monitoring;
- (iv) landfill site end uses;
- (v) final cover design;
- (vi) vegetation; and
- (vii) financing closure and post-closure care.
- (I) Disposal of regulated asbestos-containing material (RACM), including:
 - (i) special handling requirements;
 - (ii) disposal requirements; and
 - (iii) record keeping and notification requirements.
- (J) Updates on regulatory requirements and industry changes, including:
 - (i) applicable Indiana legislation and regulations;
 - (ii) applicable department policy;
 - (iii) information on new or improved technologies; and
 - (iv) information on changes to processes.
- (3) For a Category III training course, address the following topics:
 - (A) The role of restricted waste and construction/demolition sites in waste management to address:
 - (i) types of restricted wastes;
 - (ii) generation of restricted wastes;
 - (iii) physical and chemical composition of restricted wastes; and
 - (iv) overview of restricted waste management.
 - (B) Basics of site selection and location restrictions.
 - (C) Compliance with design requirements for:
 - (i) specifications;
 - (ii) liner requirements;
 - (iii) construction quality/construction assurance plan; and
 - (iv) preoperational requirements.
 - (D) Waste acceptance and screening, including:
 - (i) wastes prohibited by state and federal law and regulations;
 - (ii) commonly prohibited wastes;
 - (iii) wastes requiring special handling;
 - (iv) screening methods for prohibited wastes;
 - (v) record keeping and notification requirements;
 - (vi) public information and education; and
 - (vii) waste reclassification procedures.
 - (E) Waste handling, including:
 - (i) dust management;
 - (ii) leachate generation, migration, and control;
 - (iii) surface water control; and
 - (iv) compaction and waste placement.
 - (F) Operational techniques, including:
 - (i) design and operational plans;
 - (ii) operational practices;
 - (iii) cover systems;
 - (iv) operation of a lined facility;
 - (v) operational problems; and
 - (vi) site operation to minimize environmental and health problems.
 - (G) Closure and long term care, including:
 - (i) site closure;
 - (ii) closure plan;
 - (iii) long term care and environmental monitoring;
 - (iv) landfill site end uses;
 - (v) final cover design;
 - (vi) vegetation; and
 - (vii) financing closure and post-closure care.
 - (H) Disposal of RACM, including:
 - (i) special handling requirements;
 - (ii) disposal requirements; and
 - (iii) record keeping and notification requirements.
 - (I) Updates on regulatory requirements and industry changes, including:

- (i) applicable Indiana legislation and regulations;
- (ii) applicable department policy;
- (iii) information on new or improved technologies; and
- (iv) information on changes to processes.

(4) For a Category IV training course:

- (A) the topics listed for a Category III training course in subdivision (3) that are applicable to the type of site; and
- (B) any additional site specific information not included in subdivision (3).

(c) An accredited training course provider shall provide verification of training to the commissioner in accordance with section 4.1 of this rule.

(d) An accredited training course provider may not change the course curriculum without receiving prior approval from the commissioner. Before a change in the course curriculum, a course provider shall:

- (1) notify the commissioner in writing of the change with an accompanying copy of the change; and
- (2) receive approval from the commissioner.

(e) An accredited training course provider shall send a written notice to the commissioner with the location and time of the training course:

- (1) before January 1 of each year in which training courses are scheduled, if the information is available; or
- (2) at least two (2) weeks in advance of the examination, if the information is not available before January 1 of each year.

(f) An accredited training course provider shall send notice to the commissioner at least two (2) weeks in advance of the training course if the:

- (1) time or location of the training course changes; or
- (2) training course is canceled.

(Solid Waste Management Division; [329 IAC 12-9-3.1](#))

SECTION 34. [329 IAC 12-9-4.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-9-4.1](#) Verification of training course completion for recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within one (1) week after each training course, an accredited training course provider must submit the complete application as required in [329 IAC 12-7-6\(b\)](#) for all individuals trained in the course.

(b) The commissioner shall deny recertification to an individual that has a revoked certification for which the time period of the penalty has not lapsed.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#).

(Solid Waste Management Division; [329 IAC 12-9-4.1](#))

SECTION 35. [329 IAC 12-9-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-9-5](#) Reaccreditation for an accredited training course provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) A **an accredited** training course provider seeking reaccreditation ~~of an accredited training course~~ by the commissioner shall:

- ~~(1) have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited training courses for operators; submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation; and~~
- ~~(2) submit a completed application on forms prescribed by the commissioner and include updated information as required in section 4(a)(2) of this rule. develop and submit with the application an updated training course in accordance with this rule.~~

(b) Failure to submit a complete application within the time frame under subsection (a) may result in delay of a letter of reaccreditation.

~~(b)~~ **(c) Upon review submittal of a complete application,** the commissioner shall:

- ~~(1) make a determination as to the eligibility of the training course for on reaccreditation; The commissioner shall and~~
- ~~(2) issue a letter of reaccreditation to a training course provider an applicant that fulfills meets the requirements of this rule.~~

~~(c)~~ **(d) A letter of reaccreditation shall be is** valid for three (3) years from the date of issuance.

~~(d) No later than thirty (30) days after a change, an accredited training course provider reaccredited under this section shall notify the commissioner in writing of a change in the course curriculum, instructional staff, or primary contact person.~~

(Solid Waste Management Division; [329 IAC 12-9-5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1488; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 36. [329 IAC 12-9-6](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-9-6](#) Representation of an accredited training course provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. No person shall ~~make a representation as conducting an accredited~~ **conduct a** training course for the purpose of accrediting an individual under [329 IAC 12-7](#) and this rule without being currently accredited **as a training course provider** by the commissioner under this rule.

(Solid Waste Management Division; [329 IAC 12-9-6](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 37. [329 IAC 12-9-7](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-9-7](#) Accreditation revocation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may revoke the accreditation of a training course **provider** if the ~~training course provider: commits any of the following:~~

- ~~(1) violates~~ **or fails to meet** a requirement of this rule;
- ~~(2) falsifies information on an application under section 4 2.1 of this rule to provide accredited training courses for operators;~~
- ~~(3) falsifies certified operator information; or~~
- ~~(4) Fails to meet a qualification specified in sections 2 through 5 of this rule.~~
- ~~(5)~~ **(4)** fails to provide a quality course based on an audit by department personnel.

(b) The accreditation may be revoked following procedures **A revocation may be appealed** under [IC 4-21.5](#).

(Solid Waste Management Division; [329 IAC 12-9-7](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 38. THE FOLLOWING ARE REPEALED: [329 IAC 12-2-2](#); [329 IAC 12-2-2.1](#); [329 IAC 12-2-2.3](#); [329 IAC 12-2-4](#); [329 IAC 12-2-5](#); [329 IAC 12-2-11.1](#); [329 IAC 12-2-13](#); [329 IAC 12-2-15](#); [329 IAC 12-2-24](#); [329 IAC 12-2-27](#); [329 IAC 12-2-27.2](#); [329 IAC 12-2-30](#); [329 IAC 12-2-33](#); [329 IAC 12-2-36](#); [329 IAC 12-2-38](#); [329 IAC 12-2-39](#); [329 IAC 12-2-42](#); [329 IAC 12-2-45](#); [329 IAC 12-7-4](#); [329 IAC 12-8-2](#); [329 IAC 12-8-3](#); [329 IAC 12-8-4](#); [329 IAC 12-8-5](#); [329 IAC 12-8-6](#); [329 IAC 12-8-7](#); [329 IAC 12-9-2](#); [329 IAC 12-9-3](#); [329 IAC 12-9-4](#).

[Notice of Public Hearing](#)

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